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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKAR IAH

WRIT PETITION NO. 122/1997

Between:

Sri Puttamadaiah,
Son of Madaiah,
Indiranagar,
Bidadai,
Ramanagaram Taluk,
Bangalore District.

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..Petitioner

(Sri K.L. Manjunath, Advocate)

And:

1. Karnataka Housing Board,
Represented by its
Commissioner,
Cauvery Bhavan,
Bangalore-9.

2. Executive Engineer,
No.2, Metropolitan
Division, Karnataka Housing
Board, 4th Block,
Rajajinagar,
Bangalore-10.

3. Asst. Executive
Engineer, Karnataka Housing
Board, No.2, Sub-Division,
Kengeri Satellite Town,
Bangalore.

..Respondents

(Sri R.S.Hegde, Advocate for R.1 to R.3.
M/s.Lawyers Inc, for R.4)

Writ petition is filed under Articles 226 and 227 of the Constitution of India Praying to quash Annexure-C dated 12.12.1996 and direct R.1 not to allot the marginal land, adjoining the house of the petitioner to any person other than the petitioner.

This petition coming up for preliminary hearing in B Group today, the Court made the following:

ORDER

The petitioner was allotted a house on site No.1 measuring 5 meters east to west and 6 meters north to south by the Housing Board. Thereafter the Housing Board executed a lease-cum-sale agreement in favour of the petitioner. Adjacent to this house there was a vacant land belonging to the Housing Board which measures 8 meters x 6 + 4 meters.

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This site was proposed for auction by the Housing Board as it is a corner site. This action has been challenged by the petitioner in this writ petition on the ground that it is a marginal site and it has to be allotted as per the guidelines in favour of the petitioner. Learned counsel for the Housing Board submitted that the site that was proposed to be auctioned as per Annexure-C is similar in size of the size of the petitioner, and therefore it cannot

be created as a marginal site. There is substance in the submission made by the counsel for the Housing Board. The site ^{in 5/4} that was proposed to be auctioned is equivalent to the site of the petitioner. Therefore it cannot be treated ^{as} marginal land. If that is so, the petitioner has no right to ask for allotment of the said site in his favour.

2. The learned counsel for the respondent No.4 has filed statement of objections in this writ petition. In the statement of objections it is stated that the petitioner is also one of the persons who participated in the auction. If that is so, the petitioner is not entitled for any relief as he has acquiesced ^{by} his conduct in participating in the auction.

3. In the result, I pass the following order:
Writ petition is rejected.

Sd/-
JUDGE



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